

Sixty-eighth  
Legislative Assembly  
of North Dakota

## REENGROSSED HOUSE BILL NO. 1532

Introduced by

Representatives Cory, Kasper, Kempenich, Lefor, Nathe, Porter, Strinden

Senators Beard, Burckhard, Hogue, Meyer, Wobbema

1 A BILL for an Act to create and enact chapter 15.1-39 of the North Dakota Century Code,  
2 relating to the establishment of an educational reimbursement program; to provide for a  
3 legislative management study; to provide for a legislative management report; ~~and~~ to provide an  
4 appropriation; and to provide an effective date.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** Chapter 15.1-39 of the North Dakota Century Code is created and enacted as  
7 follows:

8 **15.1-39-01. Definitions.**

9 For purposes of this chapter, unless the context otherwise requires:

- 10 1. "Parent" means a resident of this state who is a parent, conservator, legal guardian,  
11 custodian, or other individual with legal authority to act on a program participant's  
12 behalf.
- 13 2. "Program" means the educational reimbursement program created under this chapter.
- 14 3. "Program participant" means an eligible child participating in the program.
- 15 4. "Public school" means a public school in this state which serves students in any grade  
16 from kindergarten through grade twelve.
- 17 5. "Qualified education expenses" means the ~~costs~~cost of tuition for a program  
18 participant to enroll in or attend a qualified school.
- 19 6. "Qualified school" means a nonpublic school in the state which accepts program  
20 funds, not including a home school.

21 **15.1-39-02. Educational reimbursement program establishment.**

- 22 1. The superintendent of public instruction shall establish and administer an educational  
23 reimbursement program to reimburse qualified schools for qualified education  
24 expenses of program participants.

- 1       2. To participate in the program:
- 2           a. The parent of an eligible child shall request a program form for the school year
- 3                 from a qualified school in which the eligible child is enrolled; and
- 4           b. Upon receiving the parent's program form, the qualified school shall:
- 5                 (1) Certify to the superintendent of public instruction proof of the eligible child's
- 6                         enrollment at the school; and
- 7                 (2) Request program funds for the eligible child's qualified education expenses.
- 8       3. For each eligible school program form received, the superintendent of public
- 9                 instruction shall pay to the qualified school in which the eligible program participant is
- 10                 enrolled a sum equivalent to the qualified education expenses, but not more than thirty
- 11                 percent of the per-student payment rate under subsection 3 of section 15.1-27-04.1.
- 12       4. A qualified school that receives funds under this chapter ~~may~~shall use the funds ~~only~~
- 13                 to offset the cost of qualified education expenses the program participant or parent
- 14                 would otherwise would be obligated to pay. A qualified school may not use funds
- 15                 received under this chapter for any other purpose.
- 16       5. If a program participant is enrolled in a qualified school for less than an entire school
- 17                 year, the qualified school must return to the superintendent of public instruction the
- 18                 funding provided under this chapter for that school year, reduced on a prorated basis,
- 19                 to reflect the shorter enrollment period. The superintendent of public instruction shall
- 20                 deposit with the public school district in which the program participant resides any
- 21                 funds returned under this section.

22       **15.1-39-03. Program participant eligibility.**

23       A child is eligible for the program if the child is:

- 24           1. Eligible to attend public school; ~~and~~
- 25           2. Enrolled in a qualified school for any grade from kindergarten through grade twelve;
- 26                 and
- 27           3. Documented as a child who is a dependent in a family with gross taxable income of
- 28                 less than five hundred percent of the federal poverty level.

29       **15.1-39-04. Superintendent of public instruction duties - Rules.**

30       In administering the program, the superintendent of public instruction:

- 31           1. Shall develop procedures and forms necessary to implement the program.

1        2. Shall use a standardized enrollment form to determine a qualified school's and child's  
2            eligibility for the program and make the form readily available to the public.

3        **15.1-39-05. Program suspension.**

4        The superintendent of public instruction shall suspend a qualified school from the program  
5 for failure to comply with applicable law or the program's requirements. The superintendent of  
6 public instruction shall notify the school in writing that the school's participation in the program is  
7 suspended. The notification must specify the grounds for the suspension and state the school  
8 has ten business days to respond and take any corrective action ordered by the superintendent  
9 of public instruction. Following the expiration of the ten-day period, the superintendent of public  
10 instruction shall:

- 11        1. Declare the school ineligible for the program;  
12        2. Order temporary reinstatement of the school's participation in the program,  
13            conditioned on the performance of specified action by the school; or  
14        3. Order full reinstatement of the school's participation in the program.

15        **15.1-39-06. Fraudulent use of funds - Referral to attorney general.**

16        If the superintendent of public instruction obtains evidence of fraudulent use of program  
17 funds, the superintendent shall refer the matter to the attorney general for investigation and  
18 prosecution.

19        **15.1-39-07. Limitation on regulation of qualified schools.**

- 20        1. The program does not expand the regulatory authority of the superintendent of public  
21 instruction, a school district, or any other government agency to impose additional  
22 regulations on a qualified school under the program beyond what is necessary by the  
23 superintendent of public instruction to enforce the program's financial and  
24 administrative requirements. The superintendent of public instruction or a school  
25 district may not regulate a qualified school's educational program under the program.  
26        2. A qualified school may not be required to alter the school's creed, practices,  
27 admissions policy, or curriculum to receive reimbursement for qualified education  
28 expenses.  
29        3. The ~~superintendent of public instruction~~state auditor shall audit program funds  
30 disbursed to a qualified school.

1 **15.1-39-08. Applicability Educational reimbursement program expenditures - Report to**  
2 **the legislative management.**

3 Funds must be available to qualified schools starting with the 2024-25 school year. On or  
4 before September 25, 2025, and annually each year thereafter, the superintendent of public  
5 instruction shall report to the legislative management any educational reimbursement program  
6 expenditures and supporting data.

7 **SECTION 2. LEGISLATIVE MANAGEMENT STUDY - FUNDING OF NONPUBLIC**  
8 **SCHOOLS.**

- 9 1. During the 2023-24 interim, the legislative management shall ~~consider studying~~study  
10 the funding of nonpublic schools. The study must include:
- 11 a. An evaluation of how other states fund nonpublic schools, including  
12 accountability and oversight methods;
  - 13 b. A comparison of funding based on need versus funding every student;
  - 14 c. An evaluation of the impact funding nonpublic schools would have on equity  
15 related to rural schools and students affected by federal education regulations;
  - 16 d. A review of the number of students denied admission or attendance by nonpublic  
17 schools; ~~and~~
  - 18 e. An evaluation of the impact funding nonpublic schools would have on ~~public-~~  
19 ~~schools situated within the same school district~~constitutionally obligated budgets;
  - 20 f. A review of the impacts and benefits of enrolling qualified nonpublic teachers and  
21 administrators into the teachers' fund for retirement, including an actuarial study  
22 and fund impact; and
  - 23 g. Methods of providing school choice options for any family, including families in  
24 rural communities, by identifying underlying challenges and options for  
25 collaboration across school types and collecting data to identify trends in school  
26 choice by geography.
- 27 2. The legislative management shall report its findings and recommendations, together  
28 with any legislation required to implement the recommendations, to the sixty-ninth  
29 legislative assembly.

30 **SECTION 3. APPROPRIATION - DEPARTMENT OF PUBLIC INSTRUCTION -**  
31 **EDUCATIONAL REIMBURSEMENT PROGRAM.** There is appropriated out of any moneys in

1 the general fund in the state treasury, not otherwise appropriated, the sum of  
2 ~~\$24,000,000~~\$10,000,000, or so much of the sum as may be necessary, to the department of  
3 public instruction for the purpose of establishing an educational reimbursement program, for the  
4 biennium beginning July 1, 2023, and ending June 30, 2025.

5 **SECTION 4. EFFECTIVE DATE.** Section 1 of this Act becomes effective on July 1, 2024.